



# **Town of New Windsor**

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## **OFFICE OF THE PLANNING BOARD WEDNESDAY - FEBRUARY 27, 2008 -- 7:30 PM TENTATIVE AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

### **APPROVAL OF MINUTES DATED DECEMBER 12, 2007**

### **ANNUAL MOBILE HOME PARK REVIEW:**

- A. NUGENT - UNION AVE
- B. MONACO - WALSH AVE

### **ZBA REFERRAL:**

1. **ED BIAGINI SUBDIVISION (08-04) LITTLE BROOK CT. (ZIMMERMAN)**  
Proposed two lot Residential subdivision

### **REGULAR ITEMS:**

2. **WVR REAL ESTATE (AUTO REPAIR SERVICE/SALES) (08-03) (ROSENBERG)** Proposed Mavis Tire operating as auto repair service/sales in former video rental store at Big V Shopping Center.
3. **VITO RIZZI (05-06) WINDSOR HIGHWAY (SHAW)** Proposed Office/Retail building.
4. **VAN LEEUWEN SUBDIVISION (08-05) BEATTIE ROAD** - Proposed 2-lot residential subdivision.
5. **COVINGTON ESTATES (01-41) RT. 300 (Re-approval)**

### **DISCUSSION:**

6. BCM SENIOR PROJECT - RECOMMENDATION TO TOWN BOARD
7. TOWN OF NEWBURGH - SOUTH UNION PLAZA (EDSALL)
8. DEEP GREEN (former TPS) RIVER ROAD - MECHANICAL ROOM (EDSALL)

### **ADJOURNMENT**

**(NEXT MEETING - MARCH 12, 2008)**

February 27, 2008

1

TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 27, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
DANIEL GALLAGHER  
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

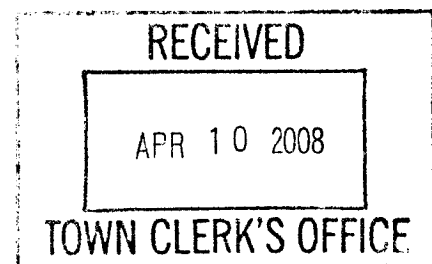
MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN  
HOWARD BROWN

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the February 27, 2008 meeting of the New Windsor Planning Board. Mr. Van Leeuwen is not going to be with us tonight, I guess Mr. Scheible is coming up on the decks and Mr. Brown is not here either, he's taking a leave of absence for personal reasons.



APPROVAL\_OF\_MINUTES\_DATED\_DECEMBER\_12,\_2007

---

MR. ARGENIO: The first item is the approval of the minutes dated 12 December, 2007. Anybody sees fit I'll entertain a motion.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board accept the minutes of December 12, 2007 as written. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW

---

NUGENT

---

MR. ARGENIO: The first item on the agenda is the annual mobile home park reviews. And of those mobile home parks is Mrs. Nugent who I see in the audience. Mike, has somebody been to this mobile home park and done an inspection?

MR. BABCOCK: Yes, they have, Mr. Chairman, everything's fine there.

MR. ARGENIO: Mrs. Nugent, do you have a check made out for the benefit of the Town of New Windsor in the amount of \$100?

MRS. NUGENT: Absolutely.

MR. ARGENIO: I'll accept a motion that we grant them one year extension if somebody sees fit.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer the Nugent Mobile Home Park on Union Avenue a one year extension of the permit. I'll have a role call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: How many units there?

February 27, 2008

4

MRS. NUGENT: There's 12 units and 9 occupied.

MR. ARGENIO: Thank you.

February 27, 2008

5

MONACO

---

MR. ARGENIO: Monaco Mobile Home Park.

MR. BABCOCK: Everything's fine.

MR. ARGENIO: Accept a motion for one year extension.  
Do you have a check for the amount of \$100?

MR. MONACO: Yes.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we  
offer the Monaco Mobile Home Park a one year extension.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

ZBA\_REFERRAL:

---

ED\_BIAGINI\_SUBDIVISION\_(08-04)

---

Mr. Gerald Zimmerman appeared before the board for this proposal.

MR. ARGENIO: This is a referral to the zoning board. Apparently, there's some issues. The application proposes subdivision of the 2.68 acre parcel into three single family residential lots. The plan was reviewed on a concept basis only. As I said, I see Mr. Zimmerman here to represent this. For the benefit of the members we'll have the opportunity to look at this again. But Mr. Zimmerman, could you please give us a tour of what the applicant wants to do here?

MR. ZIMMERMAN: Sure.

MR. ARGENIO: Go ahead.

MR. ZIMMERMAN: Well, the applicant is proposing to subdivide 2.7 acre parcel which is located on Little Brook Court which is just off of Toleman Road.

MR. ARGENIO: This is an abandoned lot, isn't it overgrown with weeds and such?

MR. ZIMMERMAN: Yes, and proposal is to subdivide their property into three lots. The table that I presented on the plans indicates the lot sizes proposed for each of the lots and the minimum lot area in this district which is the R-1 district where 80,000 square foot is the minimum lot size. Each of the lots that are proposed are less than that requirement and that's one of the reason why we need the variance. Now, the other lots that surround this property in this area and Little Brook Court are at least this size of the lots that we're proposing, are smaller and so that's the reasoning behind the configuration of the subdivision.

So the plans that we have prepared reflect the proposed development on each of the lots but before we can move any further with the subdivision we need to obtain variances as I have outlined in the bulk table.

MR. ARGENIO: Let me ask you a question. Lot 1 I have two questions, actually, what's going on with the drainage easement? I see the, I see two 24 inch pipes ending in the middle of the lot, what are you going to do with them?

MR. ZIMMERMAN: Okay, the plan is to the drainage, these are all existing structures that are in here now and they were installed to facilitate the drainage of the property and collect it and bring it into the town system.

MR. ARGENIO: Mr. Zimmerman, you have substandard size lots that you're proposing which I don't think I'm particularly knotted up about and again I'm only one member on this board because it seems as though the other lots in that area are of similar size but you have some very large culvert pipes bisecting what essentially is the center of lot number 1. How are you going to handle that situation insomuch as the pipes and what appears to be the middle of the lot in addition to that they go right through the middle of the lot, do you have any thoughts on that? I'm curious.

MR. ZIMMERMAN: Well, the situation here is that the drainage that comes to this lot basically is this was the last parcel developed in this subdivision and for the most part all the drainage was put into this property so Mr. Biagini has a building permit for this lot and on lot 1 there's a foundation which I have indicated on the subdivision plan itself but to facilitate building on this lot he's basically collected the water that's coming from the town road and kind of channeling it and putting it, you know, I



kind of made it so that this lot could be developed so it is not a situation where you, you know, he necessarily that he created, it was a situation that was created over time and he's improved that situation and we'd like to develop this property.

MR. ARGENIO: Mark? Do you have a copy of Mark's comments?

MR. ZIMMERMAN: I just got them now.

MR. ARGENIO: I want to read this one comment. It also appears that an existing foundation is on lot number 1 was the foundation already constructed in a location contrary to the zoning law. So is that a new foundation or an old foundation?

MR. ZIMMERMAN: No.

MR. ARGENIO: Did you put that in?

MR. ZIMMERMAN: It's a new foundation.

MR. BIAGINI: It's a new foundation.

MR. ARGENIO: Does it meet zoning?

MR. BIAGINI: No, it needs a variance, it's too far to the side.

MR. ARGENIO: So you installed it in that location?

MR. BIAGINI: We installed it in the wrong location.

MR. SCHEIBLE: Just curious at the time of installing this was this, I see you're breaking it down into three, was this lot number 1 tied in with lot number 2 somehow?

MR. BIAGINI: No, originally--

MR. SCHEIBLE: When you put that in there?

MR. BIAGINI: Originally it was just one 3 acre whatever.

MR. SCHEIBLE: And then?

MR. BIAGINI: One piece and the drainage, the town drainage has been in for about 30 years that runs down through that.

MR. ARGENIO: I think that's all of the drainage on Little Brook Court goes into that lot if I remember correctly. I think we paved this a few years back, that's relatively new pavement out there, isn't it?

MR. BABCOCK: Yes.

MR. BIAGINI: It is.

MR. ARGENIO: Regardless of your success or not at the zoning level you'd be well advised Mr. Biagini, I'm sure you're aware of it that there are issues in that area of the town with perc, big issues, I'm sure you're aware of that. I don't remember if it was yours or another fella, another Biagini, your brother I guess, I don't know who it was, had an issue with a house that was put up out there and the buyer of the home went so far as to petition this board, this is quite a few years ago, that she wanted the design engineer or the certifying engineer who certified the septic system she wanted his license revoked, his engineering license because her septic field didn't work. So Mark's office is going to witness those percs with your folks out there just to make sure that--

MR. BIAGINI: I understand those houses were built 35 years ago.

MR. ARGENIO: It was in the Toleman Road area, I don't remember exactly where it was.

MR. BIAGINI: My brother built them a couple subdivisions on Toleman Road as well as I have too but I haven't had a problem with perc, that subdivision, this parcel was originally going to be parkland left over.

MR. ARGENIO: Would you come forward please, give Franny your name?

MR. BIAGINI: Ed Biagini.

MR. ARGENIO: Go ahead.

MR. BIAGINI: This was originally it was on the earlier maps it made the designated parkland and right about that time is when they were coming out with parkland fees and parkland so my brother had paid parkland fees on the property and it was, so it was a building lot, just was never built on. It was sold to a gentleman who lived across the street and he put horses on it.

MR. ARGENIO: If I remember it really was an eyesore.

MR. BIAGINI: It was the dump.

MR. ARGENIO: I think you're right going back when we paved Little Brook Court I remember it was quite an eyesore that corner there it was a dump, I think there might have been some railroad ties.

MR. BIAGINI: Whatever anybody in the neighborhood had that they didn't want ended up on that lot.

MR. BABCOCK: His horses got out every week, every week.

MR. ARGENIO: As I said to the other members we'll see

this again, he's looking for a zoning board referral tonight. Does anybody else have any questions that they'd like to probe relative to this application?

MR. SCHEIBLE: When was this, the early part of this little development here, how old is that?

MR. BIAGINI: 1970.

MR. SCHEIBLE: That was way back before new laws were made and statutes were made for size of lots and so forth which these are only like also about that same size like 3/4 acre if you just want to, you know, half acre, is that correct?

MR. BIAGINI: Right.

MR. SCHEIBLE: Well, I just was trying to, you know, for that area of town I just don't believe--

MR. BIAGINI: These lots are larger than the ones--

MR. SCHEIBLE: You're just getting passed a half acre on one of these lots here.

MR. BIAGINI: The majority of that subdivision is half acre lots, these are minimum half up to almost an acre.

MR. ARGENIO: Zoning board is going to look at it, Henry, that's what they do, I mean.

MR. SCHEIBLE: Just for my own information.

MR. ARGENIO: The drainage course of the two 24 inch pipes on lot 1 pre and post construction the drainage course will remain the same as what it is now or about the same?

MR. ZIMMERMAN: Yes.

MR. BIAGINI: Yes.

MR. ARGENIO: That's a lot of water. Anybody else have any other questions? I addressed the perc test issue, if somebody sees fit I will accept a motion that we deem this application incomplete at this time.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board determine that the Ed Biagini minor subdivision on Little Brook Court off Toleman Road is incomplete at this time thus referring them to the zoning board. If there's no further discussion, I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have been referred to the zoning board, Mr. Biagini, and please do heed the thoughts about the percolation issue.

MR. BIAGINI: Absolutely.

MR. ARGENIO: Nothing's more difficult for us than when we have residents more than one resident actually showing up at this board complaining about an engineering and design problem on a lot, the woman actually came to my home on Sesame Street and knocked on my door. I don't know if she ever got satisfaction but I know that she did certainly have a problem. Thank you for coming in.

REGULAR\_ITEMS:

---

WVR\_REAL\_ESTATE\_(AUTO\_REPAIR\_SERVICE/SALES)\_(08-03)

---

MR. EDSALL: Applicant was scheduled and they did pull themselves from the agenda, so let the record show that they removed--

MR. ARGENIO: What happened there, why did they?

MR. EDSALL: They may have some other issues that they're looking to address before they come in.

MR. ARGENIO: Did they call you?

MS. MASON: Yeah, I think she said they didn't have approval from one of the neighbors or something, I don't know what that meant but that's what she said.

MR. EDSALL: I did provide my comments on the plans to Myra, the originals I did suggest that we ask her to fax them over and possibly before they come back in they can clean up some of the minor items and they'll be that much further ahead.

MR. ARGENIO: I think that would be a good idea.

VITO\_RIZZI\_(05-06)

---

MR. ARGENIO: Vito Rizzi. Mr. Shaw I see is here in the audience. This application proposes construction of 7,800 square foot office retail building on the three acre site. The plan was previously reviewed at the 23 March, 2005 planning board meeting, at which time the applicant was referred to the zoning board. Mr. Shaw is here to represent this. How are you tonight?

MR. SHAW: Recovering from a cold like everybody else is, I think.

MR. ARGENIO: Can you tell us about this application, Greg, please?

MR. SHAW: Yes, we referred just for a little built of history we referred to our initial trip before this board for a referral to the ZBA. At this time the buildings and the parking area encroached into the R-4 zone. As you will notice this parcel is similar to a lot of the parcels on Windsor Highway that the first 200 feet is commercial, the balance is residential.

MR. ARGENIO: We've seen it many times.

MR. SHAW: We encroached at that point in time into the residential zoning. We were referred to the Zoning Board of Appeals. An application was made for that use variance and that application was denied. So it was back to the drawing board and what we basically did was pull everything into the--

MR. ARGENIO: Wait a second, say that again please.

MR. SHAW: We were denied the variance.

MR. ARGENIO: And it was based on what size building?

MR. BABCOCK: Fifteen thousand.

MR. SHAW: Thank you.

MR. ARGENIO: That's the basis of the denial the building was too big?

MR. SHAW: No, the basis of the denial was that we needed a use variance to take a commercial use and bring it into a residential zone.

MR. ARGENIO: Got it.

MR. SHAW: So we went back and we basically knocked down the size of the building in half to 7,800 square feet. You'll notice that all the parking is in front of the building again in the commercial zone. What we have extended into the residential zone is just a maneuvering aisle for tractor trailers should it be warranted in the back and some extra parking spaces. According to the zoning ordinance we're obligated to provide a total of 52 parking spaces and this plan is providing 58 spaces.

MR. ARGENIO: Greg, I'd like you to please for the benefit of Mr. Scheible exactly where this is, who's to the south and who's to the north?

MR. SHAW: Flag Boys are right here.

MR. ARGENIO: Just south of Flag Boys?

MR. SHAW: Just south of Flag Boys. In fact, their flags are just right on the property line.

MR. BABCOCK: Just north of the new beauty shop, it's the only single family brick type house left.

MR. SCHEIBLE: Thank you, Greg.



MR. SHAW: No problem. So again because we're disturbing over one acre we have to comply with the DEC storm water regulations and with that we have put a water quality storm water detention pond in the rear which will collect our storm water and detain it from 1 to 100 years and right now we're proposing either an office or a retail use, seeing that they're both similar in the zoning ordinance. We realize full well that we butt up against a residential zone and while I was not at the Zoning Board of Appeals meeting, from what I understand the people at the rear of the property are concerned about any development along Windsor Highway. So with that what we have tried to do is to mitigate whatever visual impacts there may be. We went in my opinion overboard with respect to landscaping to one buffer the pond so it's not as visual. Again, you have vegetative growth between the rear of their homes and where the woods open up and then after that we went very heavily with plantings to buffer visually parking spaces in the rear of the building. I'm sure this board is going to want to have a public hearing on it and at that time we'll bring in an architectural rendering of not only the front of the building but also of the rear. So again we're going to treat the rear similar to the front, it's not going to be a blank concrete block wall painted gray, it's going to be something that is a little bit more aesthetic, again because it's facing a residential use.

MR. ARGENIO: Can I interrupt you? The 12 foot wide shale drive in the rear of the facility that goes to the pond, what's the purpose of that?

MR. SHAW: Just to get access to the pond, just to get a vehicle in case you have to clean out the--

MR. ARGENIO: Somebody used forethought. Mike, is there any law, rule or otherwise, this question is to Mike or Mark, governing the location of the building as it relates to the zone line?

MR. BABCOCK: No, it's only to property lines.

MR. ARGENIO: Can the building cross the zone line?

MR. BABCOCK: Well, there's a section that talks about 30 percent of the lot that is divided by a zone line can be used for the more restrictive area. We have done that many times in the past. This planning board had suggested to the applicant that they put the entire building in the R-4 zone and parking in the front which the zoning board didn't care for with the public hearing so they have now moved it completely in the back. The only thing they have beyond that line is some parking which is approveable by this board.

MR. ARGENIO: Okay, that answers that. Go ahead, Greg.

MR. SHAW: That pretty much summarizes it, Mr. Chairman. What we're looking for tonight is a referral to the Orange County Department of Planning cause we're on a state highway actually with regard to SEQRA and I'm sure this board is going to want to have a public hearing on it. I would just ask that you leave it in the secretary's hands to schedule that public hearing once we hear back from the county and we're in a position to do so.

MR. ARGENIO: Greg, do you have Mark's comments?

MR. SHAW: Yes, I just received them.

MR. ARGENIO: What's going on with the culvert that heads to the looks like it intersects something under your driveway?

MR. SHAW: You have a 30 inch culvert which takes storm water.

MR. ARGENIO: That's a lot of water.

MR. SHAW: It's an existing 30 inch which takes water from the west side of Windsor Highway and dumps it into a drainage ditch on the easterly side. It is roughly in this fashion pretty much down the center of our new drive. What we're proposing to do is to pick that up in a new pipe of 30 inches also and strictly just pipe it to the rear of the property, that's where it's flowing now, it's flowing to a drainage ditch from the boundary of our property in the easterly direction of the drainage ditch. Because we want to build on it we're just going to put it in a pipe and pipe it to the rear, it will not be going into our detention pond, it has nothing to do with the development of the site.

MR. SCHEIBLE: Is that just going to flow in there?

MR. SHAW: Yes, it's going in the direction, just going to let it continue.

MR. ARGENIO: Mark, you were going to say something?

MR. EDSALL: No, I was going to touch on the procedural items that Greg pointed out but you're on a much more important point right now.

MR. ARGENIO: Focus on the drainage business, the volume of water that comes down 32 in front of the Carpet Mill Outlet and such is substantial now, it currently comes across 32, comes out a head wall then meanders through the lawn area, correct?

MR. SHAW: There's a drainage channel which is, goes right through here and dumps.

MR. ARGENIO: Grass or--

MR. SHAW: It's washed out rubble.

MR. ARGENIO: Washed out rubble has a chance to slow

down maybe somewhat perc into the ground or I'm sure the slope is not very steep, in fact, the contours indicate that it is not very steep. You're taking this water, you're picking it up and you're piping it to the back of the property. It's going to hit a velocity dissipator, it's going to slow down and go to the same place it was going before.

MR. SHAW: Into the same channel.

MR. ARGENIO: Okay, all right, so you have some, the DOT's got to see I guess you're going to have to do a dance with them?

MR. SHAW: Yes, we're ultimately going to need both a utility work permit and non-utility work permit.

MR. ARGENIO: I'm going to read a couple of Mark's comments here. Lead agency coordination letter has recently been issued, we're still awaiting responses. Oh, it says here it's been referred to DOT, I'm sorry, I didn't even read that. The county has it, they're reviewing it.

MR. EDSALL: It just went, Mr. Chairman, given the fact that this is a 2005 application when it was let's say reactivated when it came back to us I saw its date, I went forward given the timing and felt that it was appropriate that it be referred in its newest form to the County Planning Department, the DOT and as well issued a lead agency coordination letter. I didn't have a record that one went out before, even if it did I wanted it to go out in the form of the new application.

MR. BABCOCK: New plan.

MR. EDSALL: New plan, I'm sorry.

MR. ARGENIO: How big was the original building you

proposed?

MR. BABCOCK: It's 15,000 square feet probably.

MR. EDSALL: Well, 14,510 was on the last review I had done.

MR. ARGENIO: This would be less.

MR. SHAW: About one half, a little more than one half.

MR. ARGENIO: Curbed parking lot, 6 foot sidewalk which is good and say you're going to give us some architecturals?

MR. SHAW: For the public hearing that would be ready.

MR. ARGENIO: I think that would be a good idea in that corridor.

MR. SHAW: As I said, even the rear of the building I think the residents want to see what they're looking at in the wintertime when the foliage comes off the trees.

MR. ARGENIO: I think I'm going to ask my associates but I think you're probably right about the public hearing. Neil, do you have any thoughts on that?

MR. SCHLESINGER: Need a public hearing.

MR. GALLAGHER: Yes.

MR. SCHEIBLE: Definitely.

MR. ARGENIO: I think so too, Mark. Can we schedule that at this point in time? Looks like the plans are in pretty good shape.

MR. EDSALL: Plans are in very good shape. My comments are minor issues they can look at and make a decision.

MR. ARGENIO: I'll have a motion that we schedule that.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board authorize the scheduling of the public hearing of the Vito Rizzi site plan on Route 32. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, take a look at the landscaping plan as well in the rear, we don't have to go crazy with it now, we're going to see this again. Greg, the fence around the pond is indicated in the symbol as a chain link fence but I see a detail for a split rail fence. Is it split or chain link?

MR. SHAW: Called out both in the detail as a three foot six inch high wood split rail fence.

MR. ARGENIO: Thank you very much, Mr. Shaw.

MR. SCHEIBLE: What's that street behind there?

MR. BABCOCK: Lanis Avenue.

MR. SCHEIBLE: That's off Willow?

MR. BABCOCK: That's correct.

MR. SHAW: I know we have an obligation to mitigate the

impact from the neighbors to the neighbors but I mean this is one inch equals 30 scale, you can see the distance from the residences to the rear of the buildings and just by looking at it it's maybe 15 inches, maybe 500 feet away.

MR. ARGENTIO: Greg, I have to tell you in typical Greg Shaw form the plan you have done a fine job with it and I mean that and you know I mean that. The one thing that I am a little twisted about and I'd like to think about it a little bit is picking up that volume of water that I know a 30 inch pipe can carry and that 30 inch pipe under 32 has been in there so long it's probably undersized by now with Washington Green upstream and everything else that's gone on upstream, picking up that water and dumping it in the back of the site that may be problematic.

MR. SHAW: But that's where it's going today.

MR. ARGENTIO: Greg, I understand that. My only point is exactly what I was asking about before is that it's flowing through a drainage channel which currently which gives it a chance to slow down, small portion of it probably percs into the ground, wanders to the left or wanders to the right, I want to look at it, that's all I'm saying.

MR. SHAW: You can check the width with your engineer, that during times of heavy flow, okay, the water that goes through that 30 inch pipe has a certain velocity to it, whether it's a channel or whether it's pipe and if you were to run out the numbers it's not as if you have a great big detention area where the water presently spills and you're creating a flood plain and that kind of stores it and slows it down, it's going to have the same velocity or very close to it whether it's flowing to an open channel or flowing through a pipe. So by virtue of the fact of that we're piping it maybe the water will get there 30 seconds quicker but it's

going to have nothing to do with the impact of the flow. It isn't as if the flow spreads out and we're channelizing it, we're channelizing it already.

MR. EDSALL: Mr. Chairman, I can have our people look at it. The only issue and I think Greg has touched on it if it was spreading out and more or less discharging in a more or less a weir overflow and being attenuated because the whole property flooded then it would change the characteristics, if you concentrated it looks as if there's a drainage channel there already, we, I just want to make sure there's nothing else happening and we can look at that.

MR. ARGENIO: I just know that a lot of water Route 32 in a big rain floods in that area passed there when we're having a melt-off and heavy rain 32 is flooded.

MR. EDSALL: I'm aware of it only because, and the person I'm going to ask to take a look at it as well is our design engineer who worked on the Lanis Avenue drainage project because the town did undertake a drainage project back up into that area.

MR. ARGENIO: You're right about that.

MR. EDSALL: So I just need to make sure this that project accounted for the kind of flows we know occurred.

MR. ARGENIO: If any other members have anything else they want to bring up certainly chime in. Mark, what other procedural things can we go through here tonight?

MR. EDSALL: No, I did all the mailings and I would believe that since you have authorized the public hearing that's the next step and we'll hope that we get responses.

MR. SHAW: Thank you.



VAN\_LEEUWEN\_SUBDIVISION\_(08-05)

---

MR. ARGENIO: Van Leeuwen Subdivison, Beattie Road.  
How are you, ma'am? What's your name my name?

MS. CRUZ: Erika Cruz.

MR. ARGENIO: What are you, the engineer or the  
architect?

MS. CRUZ: I'm the daughter of the property owner.

MR. ARGENIO: Application proposes the minor  
subdivision of property into two lots. I'm familiar  
with this. What they're looking for here tonight guys  
is they're looking for zoning board referral. I don't  
certainly don't want to put you on the spot, briefly  
just point to the map and tell us what you're trying to  
do.

MS. CRUZ: It's currently it's just over 3 acre lot  
right here. What my father's proposing to do is  
subdivide one acre off the northeast section where  
there's an existing building, he's not changing  
anything on the property, it's just letting it so my  
husband and I can buy this portion.

MR. ARGENIO: Nothing like having family. Mike, do you  
know off the top of your head exactly what they need  
there, is it lot area?

MR. BABCOCK: It's going to be lot area, Mr. Chairman,  
today's zoning is two acres, this was built prior to  
that zoning so it's never going to meet that zoning.  
Right now we have two houses on one lot which isn't to  
current zoning, you're only supposed to have one house  
per lot. There's no new construction.

MR. ARGENIO: So it cleans up that problem.

MR. BABCOCK: There's no new construction and there's not much anyplace else to put the lot line, you could move it over a little bit more but apparently they don't want to.

MR. EDSALL: Well, they're also positioning the line such that they don't create a non-conformance with an existing shed on the larger parcel. The other variance they need just so the record's complete is the front yard variance from McLean but again the house is there, the road is there and it is what it is.

MR. SCHEIBLE: When was this all built? Just curious.

MS. CRUZ: This house was built in the 1830s and this house was built in '76.

MR. ARGENIO: Unless, do you have any questions on this, Neil or Danny or Henry? Pretty straightforward. I certainly know it too. I will accept a motion we deem this application incomplete at this time.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board deem the Van Leeuwen minor subdivision application incomplete at this time thus sending them to the zoning board. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

February 27, 2008

26

MR. ARGENIO: Seems to make sense. Hopefully you'll be successful there. It's good to get things cleaned up.

COVINGTON\_ESTATES\_(01-41)

---

MR. ARGENIO: Mark, can you, I see Mr. Winglovitz is here, why don't you come on up. Mark, can you speak or Mr. Winglovitz please?

MR. EDSALL: Very quickly the applicant has diligently pursued all the necessary approvals, however, there were many issues to be addressed relative to extensions of district and different agencies relative to ensuring that there were proper facilities and capacity available so the town would be in a position to provide the services. Because of all those complexities, they ran out of time and unfortunately for these type of cases the town's site plan regulations has a mirrored type sunshine provision the same as a subdivision where its maximum with all extensions is 360 days.

MR. ARGENIO: So things aren't hanging around unbuilt and with an approval that lasts in perpetuity.

MR. CORDISCO: One difference is that a lot of town codes allow a town to extend site plan approval for good cause shown. This particular town does not and that tracts a final subdivision approval, once you get final subdivision approval, the state law says that you've only got 360 days, a maximum of 360 days and so here they apply the same rationale to site plans approvals.

MR. EDSALL: And the reason was exactly as you indicated, Mr. Chairman, I can think probably six, seven years ago where Myra was pulling her hair out because there were 30 applications that were eight years old and never met any of their conditions and what the heck do you do with them because there was no way to put an end to it.

MR. ARGENIO: So the plans have not changed at all.

MR. CORDISCO: No.

MR. ARGENIO: Mr. Winglovitz?

MR. WINGLOVITZ: With the exception of the right-of-way which was now relinquished by the town.

MR. EDSALL: There was an issue of a roadway that believed I guess to be a town right-of-way, it was back from the Revolutionary War days but physically it was impossible to make the connection because of elevation differences.

MR. BABCOCK: We wanted to put a town road there.

MR. EDSALL: It probably would have been a good idea if there were no hills but the elevation difference by the railroad tracks it was just unrealistic so Supervisor Green indicated to all of us that that was foolish to continue to think that it was going to happen and decided to remove that.

MR. ARGENIO: Plus it involved a bridge over the railroad.

MR. EDSALL: Would have had to cross the railroad tracks and even if the railroad tracks were removed and you graded out there through there now you're dumping all the traffic by the elementary school.

MR. ARGENIO: Other than that they have not changed.

MR. WINGLOVITZ: Correct.

MR. ARGENIO: And you have been diligently working on the developer's agreements and other such things are in place now and you need a reapproval, no issue Dominic or Mark with this?

MR. BABCOCK: This just happened how long?

MR. CORDISCO: No, I would add that, I'm sorry.

MR. EDSALL: No, just going to comment that Dom and I have been working on making sure that the resolution reapproved it, some of the conditions that may be listed are listed there because they were former conditions of the board, some they have already met. So they're already ahead of the game.

MR. CORDISCO: Yeah, in fact I had prepared, about to say I prepared a draft resolution which I also circulated around to Miss Babcock today and she provided some comments and suggestions on it so I have already made the changes but that's not the resolution that's in front of you and so that at this point could be signed tomorrow if the board authorizes it tonight.

MR. ARGENIO: So I have in my hand a copy of those minutes from back in the day, these are part of that resolution.

MR. CORDISCO: Yes, they are but they have been updated to which conditions they have already satisfied.

MR. ARGENIO: Okay, anybody have any questions on this?

MR. CORDISCO: As far as procedurally if you were to re-grant another conditional approval you would also be waiving a public hearing because you already had a public hearing. You'd be reaffirming the SEQRA negative dec that you already adopted for this project because nothing has changed. So there's been no new environmental issues that need to be addressed and it would be granting once again another conditional approval which would give them another 360 days.

MR. ARGENIO: Okay, let me just ask one question. Are we going to see this again in 360 days?

MR. WINGLOVITZ: I hope not, I think we've got everything finally squared away with all the other conditions of approval, just to probably the end of or beginning of last month so we've had time.

MR. ARGENIO: Should I ask your attorney that question too?

MS. BABCOCK: Yes, that is correct.

MR. ARGENIO: I will accept a motion we reapprove the Covington Estates application subject to all the former items that it was subject to, does that cover it?

MR. CORDISCO: That would cover it and authorize you to sign the resolution that I prepared.

MR. ARGENIO: And authorize the chairman to sign, chairman or secretary to sign the resolution.

MR. SCHLESINGER: Motion made.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board reapprove the Covington Estates application. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

DISCUSSION

---

BCM\_SENIOR\_PROJECT

---

MR. AGENIO: Discussion, BCM is not here, is that right?

MR. EDSALL: Yes, they contacted myself, Mr. Cordisco and myself that they wanted to be pulled from the agenda.

MR. AGENIO: You're familiar with that? That's senior housing at the golf course over at, I don't know why Mark doesn't know why and I don't know why they asked to be removed from the agenda but they asked to be removed so they're off the agenda and it is what it is.



TOWN\_OF\_NEWBURGH\_-\_SOUTH\_UNION\_PLAZA

---

MR. ARGENIO: Mark, you're going to handle this? This is the Town of Newburgh. Anybody know Flannery Animal Hospital?

MR. GALLAGHER: The old one?

MR. EDSALL: Yes, right across from Wal-Mart. To get your bearings, the intersection right above the revision block is the Wal-Mart exit with the traffic signal, the plan that you have in front of you was referred to you, this is just a cover sheet, I didn't bother bringing you all 21 sheets Mr. Shaw was kind enough to submit to the Town of Newburgh. This is being referred to this board for two reasons, one, because Section 239 of the General Municipal Law requires that applications that are on the town line or within 500 foot have now be referred to the adjoining municipality and we do that as well. But also because you'll notice the bottom right-hand corner of the property the little wedge is actually in the Town of New Windsor. They're referring it for comment. I spoke with their engineer who assures me that they're doing the same thorough review that they undertook on the Wal-Mart project.

MR. ARGENIO: Who's their engineer, Hines?

MR. EDSALL: Mr. Hines. They have Creighton Manning who's their traffic consultant, they did not only the traffic study on Wal-Mart but they did a post-improvement traffic study to see if what was constructed worked the way they designed it and now they're doing another updated traffic study to take into account this development.

MR. SCHEIBLE: I'm just curious, are we over to Rizzo's old place?

MR. EDSALL: Yes, right across from that intersection.

MR. SCHLESINGER: Rizzo is the little triangle piece that's why we have this because of Rizzo's place?

MR. ARGENIO: Right in the middle of the road.

MR. EDSALL: So the issue being is that the planning board has a couple things to make comments, I believe back as part of 239 NN which is that intermunicipal coordination issue you have also got the triangle, whether or not you really care to review this plan because you have that very minuscule triangular piece on the end that has a piece of the retaining wall, a piece of a driveway and curb.

MR. ARGENIO: That could be a four month review for us, Mark.

MR. EDSALL: That could be a heavy duty one. And last but not least you'll need to take a position relative to the Town of Newburgh Planning Board being the lead agency. So that's why I'm raising this issue tonight.

MR. BABCOCK: You guys are talking about the Rizzo building, the attractive one with the large windows?

MR. ARGENIO: That's the one. Do we need to vote on lead agency?

MR. EDSALL: I would go ahead and make a motion that you concur if that's appropriate with the Town of Newburgh Planning Board being the lead agency.

MR. ARGENIO: Any of you guys see any reason for us to be lead on this?

MR. GALLAGHER: Absolutely not.

MR. ARGENIO: Accept a motion.

MR. SCHLESINGER: Make a motion that we let the Town of Newburgh be lead agency.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board elect Mr. Ewasutyn and company to be lead agency on this application. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, I would like to send them a note seriously all kidding aside tell Hines or somebody that the masonry landscaping that they have on the one side of the intersection I'd like to see some symmetry on that intersection.

MR. EDSALL: They have the landscape architect reviewing it. What I will do is I will do a cover letter and send them a copy of these minutes and that way they'll have all the input. The second issue which I think would be nice to get disposed of is whether or not it would be sensible to accept any application to this board for that small corner. My suggestion is simple, that you ask cause technically it's in the Town of New Windsor, I suggest that you indicate that there is no reason the town would need to entertain an application for site plan approval for a couple hundred feet of curb, some pavement and part of a retaining wall.

MR. ARGENIO: Why would we be talking about that?

MR. EDSALL: Lead agency and site plan approval are two different things. So go on record saying there's no need for an application to this board for that and then just effectively tell the planning board from Newburgh please make sure that you review grading and all those improvements.

MR. ARGENIO: I believe that's appropriate unless somebody else feels differently, just tell John or I will tell John or tell Hines, I don't care who, that the New Windsor side doesn't have to match identically to the Town of Newburgh side but left and right side of the driveway should be somewhat symmetrical. If you have masonry walls on one side put the same thing on the other. If you have X, Y and Z plantings on one side, put A, B, C on the other. What else, Mark?

MR. EDSALL: That's it. If you have any other input would you request that they copy you on any elements or do you want to have any tracking or just want to leave it to them?

MR. ARGENIO: No, I don't think we need to get twisted up about it. Karen Ahrent is more thorough than anybody I think, I know.

MR. EDSALL: And Newburgh's Planning board does a great job.

MR. SCHEIBLE: Tell them to leave some road on Old Little Britain Road, it's going to be a four lane road.

DEEP\_GREEN\_(FORMER\_TPS)\_RIVER\_ROAD

---

MR. EDSALL: It's a 12 foot by 18 foot addition that houses their electrical equipment and their blowers. It's a minuscule portion of the site. The only trouble comes in that it's conflicting with two parking spaces which based on my review of the approved plan are excessive, they don't need them. The fire inspector and building inspector's office identified this and asked if we care to take a site plan application. I don't know if it really serves any benefit as long as they want to cooperate with the fire and building inspector's office.

MR. BABCOCK: The other rub is they built it without any approvals.

MR. ARGENIO: They got caught.

MR. BABCOCK: And we can handle this, it's not an issue.

MR. ARGENIO: I don't think it is either but best you bring it here so we can discuss it if anybody has a problem.

MR. SCHLESINGER: No.

MR. GALLAGHER: No.

MR. SCHEIBLE: I say as long as Mike's office takes care of things we're okay.

MR. ARGENIO: I agree with that. Neil?

MR. SCHLESINGER: Same.

MR. ARGENIO: Okay, Mike take care of it, it's yours. Anything else?

February 27, 2008

37

MR. BABCOCK: No.

MR. ARGENIO: Motion to adjourn?

MR. SCHEIBLE: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer